



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 13 2003

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Stan Dempsey, Jr.
President
Colorado Petroleum Association
1410 Grant Street - B 305
Denver, Colorado 80203

Dear Mr. Dempsey:

On March, 14, 2002, the Colorado Petroleum Association asked the United States Environmental Protection Agency (EPA) to use enforcement discretion to waive enforcement of the 7.8 pounds per square inch (psi) Reid vapor pressure (RVP) gasoline standard in the Denver/Boulder area during the 2002 summer season, and instead to apply the less stringent 9.0 psi RVP standard there. In addition, on January 24, 2002, EPA issued a proposed rule that would make this change to the RVP standard for Denver/Boulder by regulation. On April 11, 2002, EPA granted your request.

However, the proposed rule change has not yet been made final. This letter is to inform you that the enforcement discretion announced last year will be extended for the 2003 summer season.

As you know, 40 C.F.R. §§ 80.27 and 80.28 limit the RVP of gasoline at retail outlets and wholesale purchaser-consumer facilities during the period June 1 through September 15, and at upstream facilities during the period May 1 through September 15. The RVP standard is either 7.8 psi or 9.0 psi, depending upon an area's designation with respect to the ozone national ambient air quality standards (NAAQS). In both situations the standard in May is 9.0 psi.

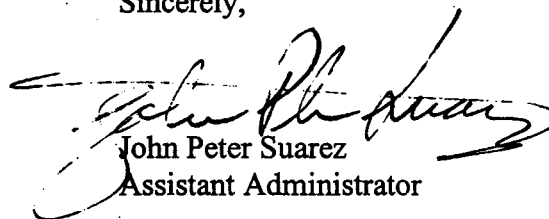
The Denver/Boulder area has achieved the NAAQS for ozone each year since 1987, but because its ozone designation was not formally changed to attainment until late 2001, the area has remained subject to the more stringent 7.8 psi RVP standard. However, because of its ozone achievement record, EPA has granted waivers to apply the less stringent 9.0 psi RVP standard to the Denver/Boulder area from 1992 through 2002.

We believe that extending this relief to the 2003 summer season is appropriate and in the public interest. No environmental harm should result because the Denver/Boulder area has achieved the ozone NAAQS during prior years when gasoline in that area was subject to the RVP

Therefore, as a matter of enforcement discretion, effective immediately, EPA will not enforce the 7.8 psi RVP standard in the Denver/Boulder area, and instead will enforce the 9.0 psi RVP standard. This enforcement discretion will continue until the rulemaking to revise the RVP standard for Denver/Boulder becomes effective, or until September 16, 2003, whichever is earlier.

If you have any questions on this matter, you may call Adam Kushner, Associate Director of the Air Enforcement Division, at (202) 564-7979.

Sincerely,



John Peter Suarez
Assistant Administrator